

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WORCESTER DIVISION

|                                 |   |                  |
|---------------------------------|---|------------------|
| F/V SOFTWARE, LLC,              | ) |                  |
|                                 | ) |                  |
| Plaintiff,                      | ) | CIVIL ACTION     |
| v.                              | ) | NO. 05-11286-PBS |
|                                 | ) |                  |
| ASPEN TECHNOLOGY, INC. et. al., | ) |                  |
| Defendant,                      | ) |                  |

**NOTICE OF AND ORDER REGARDING MEDIATION**

In accordance with the Order of Reference for Alternative Dispute Resolution dated June 20, 2005, the parties are hereby notified that the court has scheduled a mediation conference for **Monday, December 12, 2005, at 2:00 P.M.** in The United States District Court in **Worcester**, Courtroom #1 on the 5<sup>th</sup> Floor. Counsel are directed to be present with their respective clients or representatives thereof with full settlement authority.

In addition, each party shall submit a **brief** memorandum addressing the party's position on the merits of the case and on settlement. This should be filed with Chief Judge Swartwood's Clerk by e-mail at [lisa\\_roland@mad.uscourts.gov](mailto:lisa_roland@mad.uscourts.gov) **no later than one (1) day before the conference.** The memorandum should be marked "Confidential - Not for Docketing" and will be held in confidence by the Court.

**If any party believes that the case is not ready for mediation at this time, please notify opposing counsel and the court as soon as possible.**

DATED: December 12, 2005

/ s /Charles B. Swartwood, III  
Charles B. Swartwood, III  
Chief Magistrate Judge